

RESOLUTION NO. 2004-29

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING
AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR
DEVELOPER-FUNDED PUBLIC IMPROVEMENTS FOR THE
HARNEY LANE SANITARY SEWER LIFT STATION AND
SANITARY SEWER TRUNK LINE

WHEREAS, as a condition of development, the developer of the Century Meadows One, Unit 2 Subdivision, K & W Development, LLC, was required to install the Harney Lane Sewer Lift Station and a Sanitary Sewer Trunk Line to provide sewer service for the subdivision project; and

WHEREAS, the developer entered into an Improvement Agreement with the City entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station," approved by the City Council on December 4, 2002, to construct the Harney Lane Sanitary Sewer Lift Station at the southeast corner of Harney Lane and Mills Avenue and a sanitary sewer trunk line in Harney Lane between Mills Avenue and the Woodbridge Irrigation District Canal. The lift station force mains and other related improvements in Mills Avenue and at the Mills Avenue/Harney Lane intersection were installed with the Century Meadows Three, Unit 5 development. Partial reimbursement for the cost of those improvements was provided directly to the developer of that subdivision, Harney Development, LLC, by the property owners south of Harney Lane (Fink Group) in conformance with the agreement between the City and the Fink Group dated November 19, 1992. The balance of the costs was reimbursed to the developer by the City. The City was subsequently reimbursed for those City-funded costs by K & W Development, LLC, at the time of approval of the above-mentioned lift station improvement agreement. The total improvements installed in conjunction with the lift station project are shown on Exhibit 1 attached.

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that the City Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the costs for those improvements that benefit other properties in the Harney Lane Lift Station Service Area. A copy of the Reimbursement Agreement is attached as Exhibit 2. The Harney Lane Lift Station Service Area and benefit areas are shown on Exhibit A of the Agreement, and the final total costs for the improvements and fair share obligation for the benefiting properties are shown on Exhibit B of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the costs for developer-funded public improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line. The reimbursable costs for each property are shown on Exhibit B attached and shall be collected at the time of development for each parcel; and

- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. Similar adjustments to the reimbursable costs will be made each January until payment is received. The beginning ENR index will be 6581.
- c) In the event that the benefiting properties develop, the City will collect the appropriate amounts from the developers of the benefiting properties and reimburse the developer in conformance with LMC §16.40.060 and §16.40.070.

Dated: February 18, 2004

=====

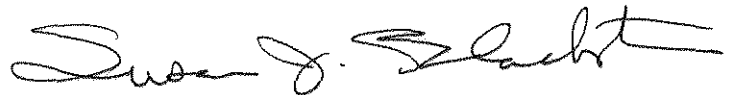
I hereby certify that Resolution No. 2004-29 was passed and adopted by the Lodi City Council in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None



Susan J. Blackston
City Clerk



CITY OF LODI

PUBLICWORKS DEPARTMENT

EXHIBIT 1

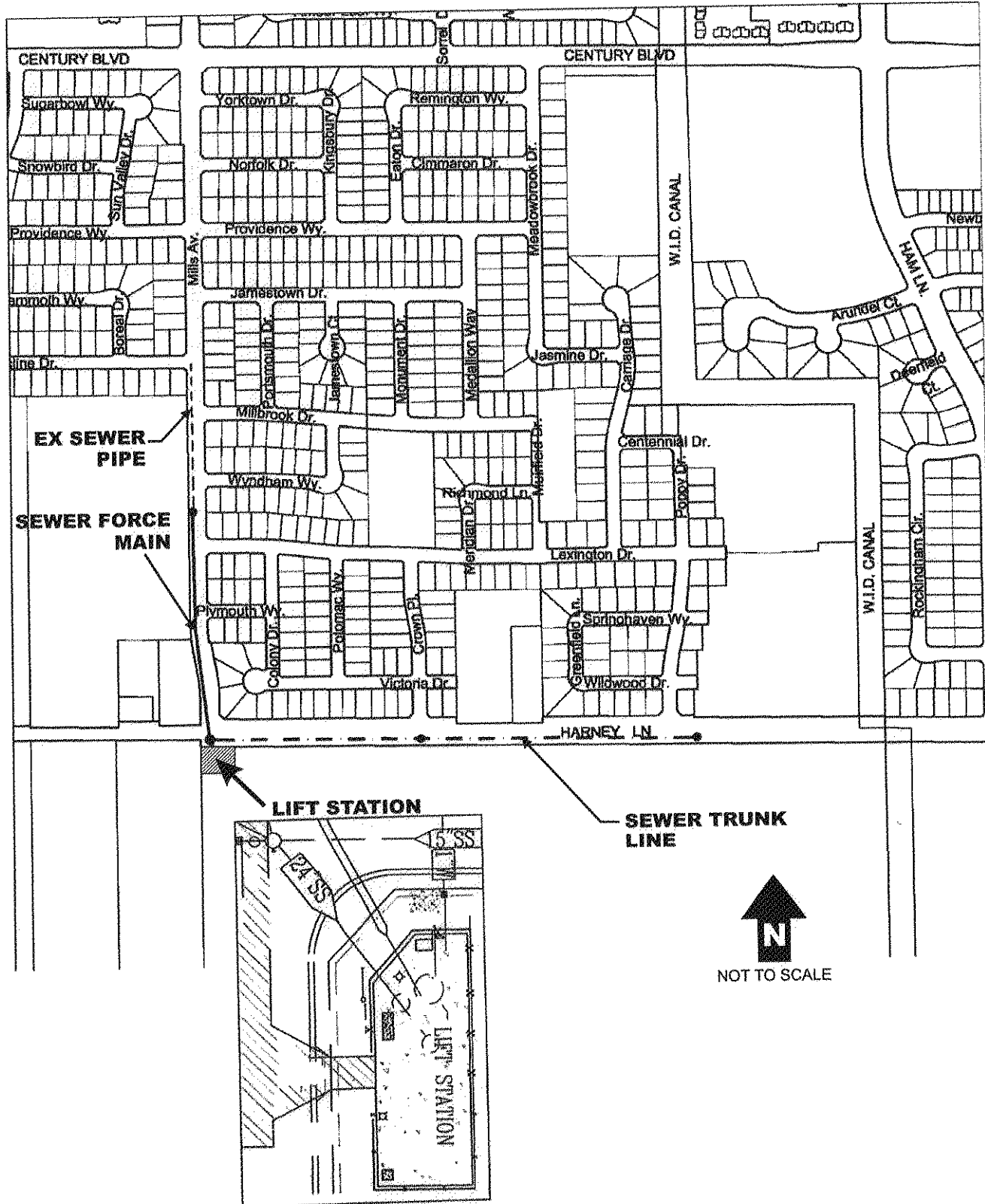


EXHIBIT 2

WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

REIMBURSEMENT for HARNEY LANE SANITARY SEWER LIFT STATION

AGREEMENT # RA-03-04

THIS AGREEMENT is made by and between the CITY OF LODI, hereinafter referred to as "City", and K & W DEVELOPMENT, LLC, hereinafter referred to as "Applicant".

RECITALS:

WHEREAS, Applicant is the developer of Century Meadows One, Unit 2, Tract No. 2786 subdivision and has entered into an Improvement Agreement with the City dated December 30, 2002 to construct public improvements needed to serve the development, and

WHEREAS, as a condition of development for the Century Meadows One, Unit 2 subdivision, Applicant was required to install, at Applicant's expense, the Harney Lane Sewer Lift Station, including street frontage improvements (curb, gutter and sidewalk) on Harney Lane and Mills Avenue, the lift station enclosure (masonry wall) and landscaping and irrigation for the lift station site, to provide sewer service for the project; and

WHEREAS, Applicant entered into a separate agreement with the City entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station" approved by the City Council on December 4, 2002; and

WHEREAS, the Applicant has constructed the Harney Lane sewer lift station and associated sanitary sewer trunk line east of Mills Avenue that will serve additional properties that are designated and shown on the plan attached and labeled Exhibit A to this agreement and indicated thereon; and

WHEREAS, the Applicant is responsible for the installation of street improvements (curb, gutter and sidewalk), construction of the lift station enclosure (masonry wall) and installation of landscaping and irrigation at the lift station site, which improvements have not been completed at this time; and

WHEREAS, the Applicant has filed a request with the Public Works Director in conformance with Chapter 16.40 of the Lodi Municipal Code requesting reimbursement for those improvements which benefit other property or would be required of those properties upon development; and

WHEREAS, the property owners of those properties shown in Exhibit A have been notified and the City Council has conducted a public hearing regarding the Applicant's request for reimbursement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained and pursuant to Government Code Sections 66485 through 66489 and Title 16 of the Lodi Municipal Code, it is hereby agreed between the parties as follows:

1. The amount of the reimbursable costs due to the Applicant includes construction costs less any applicable credits plus ten percent (10%) for engineering and administration,

engineering design costs, engineering plan check fees, engineering inspection fees (2.5%) and the reimbursement application fee (1%). Total construction costs and costs attributable to the Benefit Area are shown on attached Exhibit B.

2. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. On uncollected reimbursements, the reimbursement rates shall be calculated in January of each year beginning January 2005 by the following formula:

$(\text{ENR Jan. 1 of current year}) + (\text{initial ENR}) \times (\text{Balance due Jan. 1 of prior year less payments made during the previous year})$

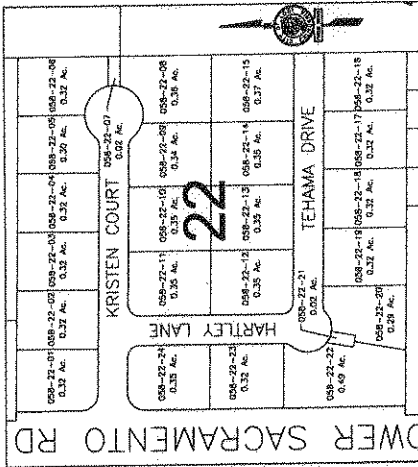
The initial ENR index for this agreement is 6581. The initial reimbursable amounts are shown on Exhibit B.

3. In the event that the benefiting properties shown on Exhibit A develop, the City shall collect the appropriate charges from the developers of the benefiting property and reimburse the Applicant or the Applicant's heirs, successors or assigns, for a period of fifteen (15) years from the date of this agreement in conformance with LMC 16.40.060 and 16.40.070.
4. To fulfill Applicant's responsibility for the installation of street improvements (curb, gutter and sidewalk), construction of the lift station enclosure (masonry wall) and installation of landscaping and irrigation at the lift station site in the future, the cost of those improvements will be deposited with the City from reimbursement charges collected from benefiting properties before any reimbursement payments are made to Applicant. The monies so deposited will be used as determined by the City for the future installation of those improvements. The estimated cost of the improvements is \$99,066.00 as shown on Exhibit C.
5. The Applicant shall pay the City \$5,782.06 for the preparation of this agreement prior to approval and recording of this agreement. This fee is based on one percent (1%) of the total reimbursable construction costs, excluding engineering, administrative and other costs.
6. Upon each collection of reimbursement charges, an administrative charge shall be deducted and retained by the City for administering the reimbursement provisions of this agreement. This charge shall be established from time to time by resolution of the City Council. As of the date of this agreement, the current charge is \$60.00. The actual administration charge to be paid will be that in effect at the time of collection.
7. This agreement shall inure to the benefit of the heirs, successors and assigns of the Applicant. The City shall mail the reimbursement to the last address of the Applicant on file with the Public Works Director of the City. In the event a reimbursement is returned or unclaimed after two (2) years from the date of mailing, the amount of the reimbursement shall revert to the City and be deposited in the appropriate development impact mitigation fee fund.
8. All correspondence and payments herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Correspondence and payments to City shall be addressed as follows:

Richard C. Prima, Jr.
Public Works Director

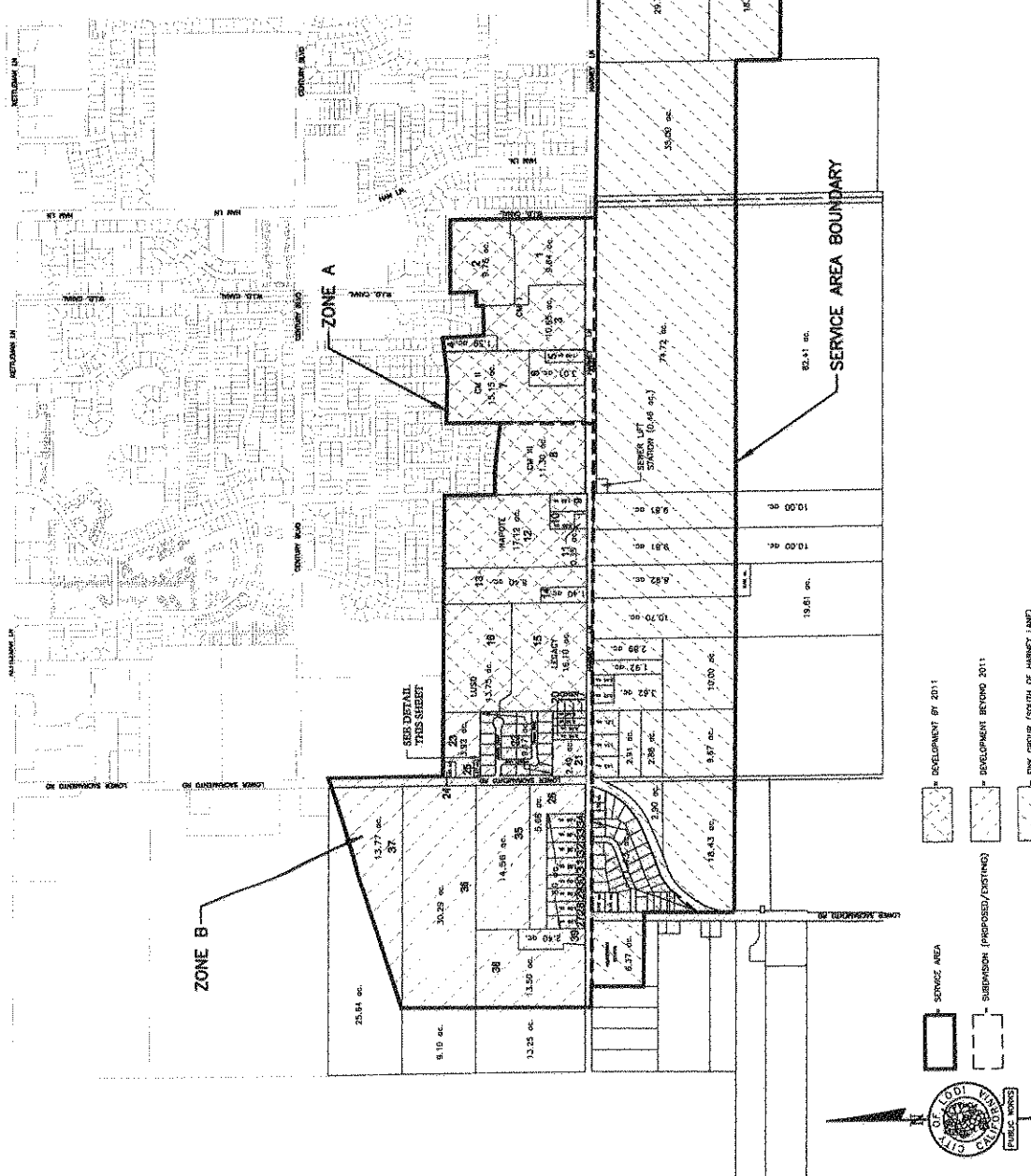
SUNNYSIDE ESTATES



DETAIL

SCALE 1" = 100'

APN No.	Site No.
058-210-27	1
058-210-28	2
058-210-29	3
058-210-30	4
058-210-31	5
058-210-32	6
058-210-33	7
058-210-34	8
058-210-35	9
058-210-36	10
058-210-37	11
058-210-38	12
058-210-39	13
058-210-40	14
058-210-41	15
058-210-42	16
058-210-43	17
058-210-44	18
058-210-45	19
058-210-46	20
058-210-47	21
058-210-48	22
058-210-49	23
058-210-50	24
058-210-51	25
058-210-52	26
058-210-53	27
058-210-54	28
058-210-55	29
058-210-56	30
058-210-57	31
058-210-58	32
058-210-59	33
058-210-60	34
058-210-61	35
058-210-62	36
058-210-63	37
058-210-64	38
058-210-65	39



<p>CITY OF LODI PUBLIC WORKS DEPARTMENT</p>		<p>HARNEY LANE SEWER LIFT STATION SERVICE AREA</p>
<p>DATE: _____</p> <p>BY: _____</p> <p>FOR: _____</p>	<p>SCALE: 1" = 300'</p> <p>NOTES:</p> <p>1. SEE DETAIL THIS SHEET</p> <p>2. SEE DETAIL THIS SHEET</p>	<p>PROJECT NO.: _____</p> <p>DATE: _____</p> <p>BY: _____</p> <p>FOR: _____</p>

[illegible]

Benefit Area Totals	226.00	1,000	\$ 766,133.75	1,000	\$ 121,676.13	\$ 887,808.89
Subtotal Zone A	50.80	0.225	\$ 172,210.60	1,000	\$ 121,676.13	\$ 283,886.73
A	1	0.043	\$ 32,679.334	0.192	\$ 23,089.72	\$ 55,769.06
A	2	0.043	\$ 33,086.13	0.192	\$ 23,377.15	\$ 56,463.28
A	3	0.047	\$ 36,103.21	0.210	\$ 25,508.87	\$ 61,612.08
A	4	0.007	\$ 5,390.06	0.031	\$ 3,808.37	\$ 9,198.42
A	5	0.004	\$ 3,389.97	0.020	\$ 2,395.20	\$ 5,785.17
A	6	0.013	\$ 10,203.82	0.059	\$ 7,209.55	\$ 17,413.37
A	7	0.067	\$ 61,356.08	0.298	\$ 36,287.27	\$ 87,645.35
Subtotal Zone B	175.20	0.775	\$ 693,923.16	\$ 693,923.16	\$ 593,923.16	\$ 593,923.16
B	8	0.050	\$ 35,306.69	\$ 35,306.69	\$ 35,306.69	\$ 35,306.69
B	9	0.005	\$ 4,169.67	\$ 4,169.67	\$ 4,169.67	\$ 4,169.67
B	10	0.004	\$ 2,983.18	\$ 2,983.18	\$ 2,983.18	\$ 2,983.18
B	11	0.002	\$ 1,186.49	\$ 1,186.49	\$ 1,186.49	\$ 1,186.49
B	12	0.076	\$ 58,036.33	\$ 58,036.33	\$ 58,036.33	\$ 58,036.33
B	13	0.037	\$ 28,475.77	\$ 28,475.77	\$ 28,475.77	\$ 28,475.77
B	14	0.006	\$ 4,745.96	\$ 4,745.96	\$ 4,745.96	\$ 4,745.96
B	15	0.071	\$ 54,578.56	\$ 54,578.56	\$ 54,578.56	\$ 54,578.56
B	16	0.061	\$ 46,612.12	\$ 46,612.12	\$ 46,612.12	\$ 46,612.12
B	17	0.002	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39
B	18	0.002	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39
B	19	0.46	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39
B	20	0.46	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39
B	21	0.002	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39
B	22	0.002	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39	\$ 1,559.39
B	23	0.041	\$ 31,086.05	\$ 31,086.05	\$ 31,086.05	\$ 31,086.05
B	24	0.017	\$ 13,288.69	\$ 13,288.69	\$ 13,288.69	\$ 13,288.69
B	25	0.002	\$ 1,694.99	\$ 1,694.99	\$ 1,694.99	\$ 1,694.99
B	26	0.001	\$ 915.29	\$ 915.29	\$ 915.29	\$ 915.29
B	27	0.023	\$ 17,899.05	\$ 17,899.05	\$ 17,899.05	\$ 17,899.05
B	28	0.004	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97
B	29	0.004	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97
B	30	0.004	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97
B	31	0.004	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97
B	32	0.004	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97
B	33	0.004	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97
B	34	1.00	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97	\$ 3,389.97
B	35	0.063	\$ 48,002.01	\$ 48,002.01	\$ 48,002.01	\$ 48,002.01
B	36	0.132	\$ 100,919.46	\$ 100,919.46	\$ 100,919.46	\$ 100,919.46
B	37	0.059	\$ 45,323.93	\$ 45,323.93	\$ 45,323.93	\$ 45,323.93
B	38	0.060	\$ 45,764.63	\$ 45,764.63	\$ 45,764.63	\$ 45,764.63
B	39	0.011	\$ 8,135.93	\$ 8,135.93	\$ 8,135.93	\$ 8,135.93

NOTES:

1. See Exhibit A for boundaries of Zones A and B and Site Numbers.
2. ZONE A fee includes costs for the Lift Station and 15" trunk line in Hamley Lane. ZONE B fees include Lift Station costs only.
3. Lift Station Benefit Ratio is based on the proportion of the benefit areas (225.58 acres).
4. Trunk Line Benefit Ratio for ZONE A for 15" Sewer Trunk line is based on the proportion of the parcel acreage to the total acreage of ZONE A (62.1 acres).
5. For Site Nos. 26, 35, 36 and 37, the acreage shown is the net acreage after deduction for the dedication of 35 feet of right-of-way along the parcel frontage on Lower Sacramento Road.
6. Application fee is based on 1 percent of the sum of the reimbursable construction costs.